



COLORADO
Division of Reclamation,
Mining and Safety
Department of Natural Resources

October 14, 2024

Dustin Hribar
Huerfano County
1038 Russell Ave
Walsenburg, CO 81089

**Re: Peak View Pit, File No. M-2014-028, Receipt of Amendment no. 1 (AM1)
Application Package, Incompleteness Notice No. 1**

Dear Dustin Hribar:

On October 8, 2024, the Division of Reclamation, Mining and Safety received Amendment no. 1 (AM1) application package for the Peak View Pit, File No. M-2014-028. Preliminary review of the information received determined that the following additional information must be received/corrected before the Division can consider your application as being submitted and technical review can begin:

Application Form

1. On the first page of the application:

- Item #3 asks for the “Permitted acreage (new or existing site)”. In the attached materials, the Applicant indicates that they want to remove currently permitted acreage, and add previously unapproved acres to the permit, resulting in a net change of 0 acres (with 40 acres being permitted total). However, an amendment revision can not remove acres from a permitted boundary.

The Applicant may either request an acreage release and if granted, re-apply for the amendment at that time; or may instead re-submit the application materials pertaining to the acreage changes, and add the previously unapproved acres to the existing permit.

* Please determine which option is preferable and submit the required materials accordingly. These materials must be received by the Division for the application to be deemed complete. **Note, changes to the proposed permit boundary cannot be made once the application has been deemed complete.



Exhibits

2. Exhibit Q:

- In the Exhibit Q narrative submitted with the AM1 application, the Applicant states that “Proof of Mailing Notices to County Commissioners and Soil Conservation District was provided with the original permit submittal and can be found in the original permit number M-2014-028”.

Because this permit proposes mining in an area not previously approved to be mined, new notices must be sent to the County Commissioners and Soil Conservation District.

- * Please send notices to the County Commissioners and Conservation District pursuant to Rules 1.6.2(1)(a) and 6.4.16, and provide proof of doing so to the Division.

3. Exhibit R:

- In the Exhibit R narrative submitted with the AM1 application, the Applicant states that “Proof of Filing with County Clerk and Recorder was provided with the original permit submittal and can be found in the original permit number M-2014-028”.

Pursuant to Rule 1.6.2(1)(c), prior to submitting amendments to an application, the Applicant must place for public review a copy of the application and amendments with the Clerk or Recorder of the county or counties in which the affected land is located and provide proof as required by Rule 6.4.18.

- * Please send copies of the Amendment application and application materials to the County Clerk and Recorder, pursuant to Rule 1.6.2(1)(c) and provide proof of doing so to the Division per Rule 6.4.18.

Addendum 1

4. Rule 1.6.2(1)(b) states the following:

- A signed affidavit stating that a notice sign is posted pursuant to the requirements of Rule 1.6.2(1)(b). However, the Applicant’s address and phone number are not provided on the notice attached to the application.
 - * Please provide the Division proof indicating that address and phone number have been added to the posted notices (signs).

Your application will not be considered submitted until all the information listed above is received and found sufficient to begin our review.

You have sixty (60) days from the above date (until **December 13, 2024**) to submit all necessary documents that the Office needs for an application to be considered filed. If, at the end of the sixty day period, the application has not been determined to be filed with the Office, the Office may deny the application and terminate the application file.

This letter shall not be construed to mean that there are no other technical deficiencies in your application. The Division will review your application to determine whether it is adequate to meet the requirements of the Act after submittal of all required items.

If you have any questions, please contact me by telephone at 720-836-0967, or by email at amber.gibson@state.co.us.

Sincerely,



Amber M. Gibson
Environmental Protection Specialist I

Ec: Dean Cooper, KLJ Engineering, PLLC